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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/940,789	ARITA ET AL.	
	Examiner	Art Unit	
	Sumaiya A. Chowdhury	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22, 24-26, 31-33, 36 and 42-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24-26, 31-33, 36, and 42-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/27/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 20-22, 24-26, 31-33, 36, and 42-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny (6766524) in view of Kamada (7,039,928).

As to claim 20, Matheny discloses:

An information service system comprising: a file which stores individual audience result information generated as a result of a media program/programs watched by each of individual persons and individual interest information generated automatically (Although the user inputs an answer, the system, rather than the user, supports code that generates the individual interest information, and is hence 'automatic' in the same sense as the applicant's system- the user is required to view and control the television, and the system has code to determine if the program has been continuously on. In other words, a contents creator is required to prepare the test question, inasmuch as the a software developer is required to develop code to determine whether a television program has been continuously on for more than a predetermined time) by an information managing portion on the basis of said individual audience result information [13, 6-14]; [4, 7-14]; log file 271, fig. 2., [3, 56-67]);

wherein said individual audience result information is inputted from corresponding one of information supply terminals existing on a network, or said individual interest information is generated on the basis of said individual audience result information inputted from said information supply terminal ([3, 8-55]).,

wherein a predetermined point/points are operated correspondingly to contents stored in said file so that said point/points are awarded to said individual person on the basis of said operation ([3, 6-14], [4, 7-14]).

However, Matheny fails to teach:

wherein the information management portion generates the individual audience result information when a program is kept on for a predetermined time or more by the information supply terminal.

In an analogous art, Kamada teaches that a record is created for a program that is viewed for more than a predetermined time in order to prevent an extremely short-time view from being registered as a record, which occurs in "channel shopping" – col. 6, lines 59-66.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Matheny's invention to include that a record is created for a program that is viewed for more than a predetermined time, as taught by Kamada, for the advantage of preventing an extremely short-time view from being registered as a record, which occurs in "channel shopping".

5. Claims 31-33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (64866920) in view of Saitoh (5444499)

As to claim 31,

Arai et al. disclose:

An information supply terminal comprising: an individual identification portion for identifying an individual person ([8, 50-65] since a 'personalized program' exists, an 'individual identification portion' effectively exists, in order to identify or create a "personalized program").

a channel selection information input device for inputting channel selection information through a media program receiver by which said individual person can watch a desired media program voluntarily when said individual person selects a channel (remote controller 9-, [10, 39-67]);

an information generator for generating individual audience result information on the basis of an individual identification result and said channel selection information and for automatically generating individual interest information on the basis of said individual audience result information (fig. 1, program information search section; 'the program information search section 4 produces personalized program information comprising the selected programs' [8, 50-65]; [3, 6-14], [4, 7-14]; log file 271, fig. 2; [3, 56-67]; user participation as taught by Arai such as entering a search criteria is involved, inasmuch user participation is involved by the user- selecting a channel to view in the first place)); a transmitter for transmitting at least one of said individual audience result information or said individual interest information to said information service system (fig. 1, [8, 50 67]).

However, Arai fails to teach:

wherein the information generator generates the individual audience result information when a channel is kept to be selected for a predetermined time or more by the information supply terminal.

In an analogous art, Saitoh teaches when a new channel is selected by the user, and viewed for at least a predetermined amount of time, the corresponding information is stored in order to learn user history control— col. 3, lines 51-63, col. 2, lines 10-19.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai's invention to include when a new channel is selected by the user, and viewed for at least a predetermined amount of time, the corresponding information is stored, as taught by Saitoh, for the advantage of learning user history control.

As to claim 32, Arai et al. disclose:

an information supply terminal comprising:

an individual identification means for identifying an individual person ((8, 50-65) since a 'personalized program' exists, an 'individual person' effectively exists).

a channel selection information input means for inputting channel selection information through a media program receiver by which said individual person can watch a desired media program voluntarily when said individual person selects a channel (remote controller 9., (10, 39-67));

an audience result information generating means for generating individual audience result information on the basis of an individual identification result and said channel selection information ([10, 6-32]);

an interest information generating means for automatically generating individual interest information on the basis of said individual audience result information (fig. 1, program information search section; 'the program information search section 4 produces personalized program information comprising the selected programs'[8, 50-65]; user participation as taught by Arai such as entering a search criteria is involved, inasmuch

user participation is involved by the user selecting a channel to view in the first place); an information transmission means for transmitting at least one of said individual audience result information or said individual interest information to said information service system (fig. 1, [8, 50-67]).

However, Arai fails to teach:

wherein the information generator generates the individual audience result information when a channel is kept to be selected for a predetermined time or more by the information supply terminal.

In an analogous art, Saitoh teaches when a new channel is selected by the user, and viewed for at least a predetermined amount of time, the corresponding information is stored in order to learn user history control— col. 3, lines 51-63, col. 2, lines 10-19.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai's invention to include when a new channel is selected by the user, and viewed for at least a predetermined amount of time, the corresponding information is stored, as taught by Saitoh, for the advantage of learning user history control.

As to claim 33, Arai and Saitoh disclose the claimed limitations. In particular, Arai discloses:

said information supply terminal has a configuration so that said interest information generating means generates said individual interest information, on the basis of said individual audience result information, by searching a media program

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category storage means in which a category of said media program is stored in association with said media program (fig. 1, elements 2, 3, 4, and 5; [8, 50-65]; [10, 6-32]).

As to claim 36,

Arai discloses: a signal conversion means for converting said individual interest information into a signal which can be displayed on a monitor of said media program receiver ([10, 1-32]; figs. 4, 6, and 9).

6. Claim(s) 21-22, 24-26 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (6486920) in view of Matheny et al. (6766524) and Kamada.

As to claim 21,

Arai discloses:

An information service system: a file which stores individual audience result information generated as a result of a media program/programs watched by each of individual persons (fig. 2, program information storing section 2, [8, 50-65]);

wherein said individual audience result information is inputted from corresponding one of information supply terminals existing on a network ([10, 6-32]); fig. 1, elements 3 and 4);

wherein individual interest information is generated automatically by an information managing portion on the basis of said individual audience result information

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stored in said file ([3, 6-14]; [4, 7-14]; log file 271, fig. 2; [3, 56-67]; (fig. 1, program information search section; 'the program information search section 4 produces personalized program information comprising the selected programs' [8, 50-65]; [3, 6-14]; [4, 7-14]; log file 271, fig. 2; [3, 56-67]; user participation as taught by Arai such as entering a search criteria is involved, inasmuch user participation is involved by the user selecting a channel to view in the first place).

However, Arai does not specifically disclose:

wherein a predetermined point/points are operated correspondingly to said inputted individual audience result information and said inputted individual interest information so that said operated point/points are awarded to said individual person; and

wherein the information management portion generates the individual audience result information when a program is kept on for a predetermined time or more by the information supply terminal.

Matheny teaches:

wherein a predetermined point/points are operated correspondingly to said inputted individual audience result information and said inputted individual interest information so that said operated point/points are awarded to said individual person ([3, 6-14]; [4, 7-14]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Matheny so as to utilize 'a means of encouraging viewers to watch commercials' [1, 52-62].

However, Arai and Matheny fail to teach:

wherein the information management portion generates the individual audience result information when a program is kept on for a predetermined time or more by the information supply terminal.

In an analogous art, Kamada teaches that a record is created for a program that is viewed for more than a predetermined time in order to prevent an extremely short-time view from being registered as a record, which occurs in "channel shopping" – col. 6, lines 59-66.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai and Matheny's invention to include that a record is created for a program that is viewed for more than a predetermined time, as taught by Kamada, for the advantage of preventing an extremely short-time view from being registered as a record, which occurs in "channel shopping".

As to claim 22,

Arai discloses:

at least one of an interest information generating means and an interest information input means, said interest information generating means being designed so that individual audience result information generated as results of media programs watched by said individual persons is inputted from information supply terminals existing on said network and individual interest information is generated automatically by an information managing portion on the basis of said individual audience result information,

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said interest information input means being designed so that said individual interest information generate as said results of media programs watched by said individual persons is inputted from said information supply terminals ([10, 6-32]; [3, 6-14]; [4, 7-14]; log file 271, fig. 2; [3, 56-67]; fig. 1, program information search section', 'the program information search section 4 produces personalize program information comprising the selected programs' [8, 50-65]; [3, 6-14]; [4, 7-14]; log file 271, fig. 2; [3, 56-67]; user participation as taught by Arai such as entering a search criteria is involved, inasmuch user participation is involved by the user selecting a channel to view in the first place);

a file managing means for managing a file of at least said individual interest information (fig. 2, program information storing section 2, [8, 50-65]);

However, Arai does not specifically disclose:

an information service system in which information is collected, on a predetermined network, from individual persons who watch media programs and points are awarded to the individual persons in accordance with the collected information', and a first point-awarding means for awarding a predetermined point/points to each of said individual persons correspondingly to said inputted individual audience result information or said inputted individual interest information.

wherein the information management portion generates the individual audience result information when a program is kept on for a predetermined time or more by the information supply terminal.

Matheny teaches:

an information service system in which information is collected, on a predetermined network, from individual persons who watch media programs and points are awarded to the individual persons in accordance with the collected information ([3, 6-14]; [4, 7-14]),

a first point-awarding means for awarding a predetermined point/points to each of said individual persons correspondingly to said inputted individual audience result information or said inputted individual interest information ([3, 6-14]; [4, 7-14]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Matheny so as to utilize 'a means of encouraging viewers to watch commercials' [1, 52-62].

However Arai and Matheny fail to teach:

wherein the information management portion generates the individual audience result information when a program is kept on for a predetermined time or more by the information supply terminal.

In an analogous art, Kamada teaches that a record is created for a program that is viewed for more than a predetermined time in order to prevent an extremely short-time view from being registered as a record, which occurs in "channel shopping" – col. 6, lines 59-66.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai and Matheny's invention to include that a record is created for a program that is viewed for more than a predetermined time, as taught by

Kamada, for the advantage of preventing an extremely short-time view from being registered as a record, which occurs in "channel shopping".

As to claim 24,

Arai discloses: a personal data input means for inputting, as personal data, information about a media program/programs watched by each of said individual persons, from corresponding one of said information supply terminals ([10, 6-32]);

Matheny teaches: a second point-awarding means for awarding a predetermined point/points to said individual person correspondingly to contents of said inputted personal data ([5, 50-63]).

As to claim 25,

Arai discloses: said system has a configuration so that said individual interest information is generated on the basis of said individual audience result information by searching a media program category storage means in which a category of each media program is stored in association with said media program (fig. 1, elements 2, 3, 4, and 5; [8, 50-65]; [10, 6-32]).

As to claim 26,

Arai discloses: an audience result information aggregating means for aggregating said inputted individual audience result information (fig. 2, elements 220, 280; [4, 7-14]).

As to claim 42,

Arai discloses:

wherein said computer identifies an individual person ([8, 50-65] since a 'personalized program' exists, an 'individual identification portion' effectively exists, in order to identify or create a "personalized program").

inputs channel selection information through a media program receiver by which said individual person can watch a desired media program voluntarily if said individual person select a channel (remote controller 9', [10, 39-67]);

generates individual audience result information on the basis of an individual identification result and said channel selection information ([10, 6-32]); automatically generates individual interest information on the basis of said individual audience result information [8, 50-65]; fig. 1, program information search section; 'the program information search section 4 produces personalized program information comprising the selected programs' [8, 50-65]; [3, 6-14]; [4, 7-14], log file 271 , fig. 2; (3, 56-67); user participation as taught by Arai such as entering a search criteria is involved, inasmuch user participation is involved by the user selecting a channel to view in the first place);

However, Arai does not specifically disclose:

A program for use in an information supply terminal, comprising a computer, in order to make the information supply terminal capable of being used in an information service system in which information is collected, on a predetermined network, from individual persons who watch media programs, and points are awarded to said

individual persons in accordance with the collected information', transmits at least one of said individual audience result information and said individual interest information to an information collecting server provided in said information service system.

Matheny teaches:

A program for use in an information supply terminal, comprising a computer, in order to make the information supply terminal capable of being used in an information service system in which information is collected, on a predetermined network, from individual persons who watch media programs, and points are awarded to said individual persons in accordance with the collected information ([3, 6-14]; [4, 7-14]; set-top box 245 is a 'computer');

transmits at least one of said individual audience result information and said individual interest information to an information collecting server provided in said information service system (fig. 2).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai with Matheny so as to utilize 'a means of encouraging viewers to watch commercials' [1, 52-62].

7. Claims 43 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny and Kamada as applied to claim 20 above, and further in view of Ismail (6614987).

As for claim 43, Matheny and Kamada fail to teach wherein the information supply terminal retrieves a media program category storage portion, having media programs classified into categories in advance, on a basis of the individual audience result information thereby to generate the individual interest information.

In an analogous art, Ismail teaches that the category information (attribute information 107) is sent in advance (col. 5, lines 1-5) and is used to categorize the programs watched by the user in order to learn the user's preferences— col. 10, lines 63 – col. 11, line 25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Matheny, and Kamada's invention to include the limitations as mentioned above as taught by Ismail, for the advantage of learning the user's interests.

As for claim 48, Matheny, Kamada and Ismail disclose the claimed limitations. In particular, Ismail teaches that the category statistics (numerical value) are updated when a user watches a program for a predetermined amount of time – col. 11, lines 12-18, col. 4, lines 12-22.

8. Claims 44, 46, 49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai, Matheny and Kamada as applied to claim 21/42 above, and further in view of Ismail

As for claims 44 and 46, Arai, Matheny and Kamada fail to teach wherein the information supply terminal retrieves a media program category storage portion, having media programs classified into categories in advance, on a basis of the individual audience result information thereby to generate the individual interest information.

In an analogous art, Ismail teaches that the category information (attribute information 107) is sent in advance (col. 5, lines 1-5) and is used to categorize the programs watched by the user in order to learn the user's preferences— col. 10, lines 63 – col. 11, line 25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai, Matheny, and Kamada's invention to include the limitations as mentioned above as taught by Ismail, for the advantage of learning the user's interests.

As for claims 49 and 51, Arai, Matheny, Kamada, and Ismail teach the claimed limitations. In particular, Ismail teaches that the category information (attribute information 107) is sent in advance (col. 5, lines 1-5) and is used to categorize the programs watched by the user in order to learn the user's preferences— col. 10, lines 63 – col. 11, line 25.

9. Claims 45 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai and Saitoh as applied to claim 32 above, and further in view of Ismail.

As for claim 45, Arai and Saitoh fail to teach wherein the information supply terminal retrieves a media program category storage portion, having media programs classified into categories in advance, on a basis of the individual audience result information thereby to generate the individual interest information.

In an analogous art, Ismail teaches that the category information (attribute information 107) is sent in advance (col. 5, lines 1-5) and is used to categorize the programs watched by the user in order to learn the user's preferences— col. 10, lines 63 – col. 11, line 25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai and Saitoh's invention to include the limitations as mentioned above as taught by Ismail, for the advantage of learning the user's interests.

As for claim 50, Arai, Saitoh, and Ismail teach the claimed limitations. In particular, Ismail teaches that the category information (attribute information 107) is sent in advance (col. 5, lines 1-5) and is used to categorize the programs watched by the user in order to learn the user's preferences— col. 10, lines 63 – col. 11, line 25.

10. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai and Saitoh as applied to claim 33 above, and further in view of Ismail.

As for claim 47, Arai and Saitoh fail to teach the information supply terminal retrieves the media program category storage portion and adds a numerical value to a hit category of the individual interest information.

In an analogous art, Ismail teaches that the category statistics (numerical value) are updated when a user watches a program for a predetermined amount of time – col. 11, lines 12-18, col. 4, lines 12-22.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai and Saitoh's invention to include the above mentioned claim limitations, as taught by Ismail, for the advantage of determining the amount of liking of a user toward various categories.

11. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai and Saitoh.

As for claim 52, Arai and Saitoh fail to teach an information supply terminal comprising a signal conversion means which converts the individual interest information into a signal which can be displayed on a monitor of the media program receiver.

The Examiner takes Official Notice that it is well known in the art to display the user's viewing characteristics to the viewer such that the viewer could view their viewing characteristics.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai and Saitoh's invention to include the above

mentioned limitations for the advantage of such that the viewer could view their viewing characteristics.

12. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny and Kamada.

As for claim 53, Matheny and Kamada teach individual persons watch media programs by media program receivers as discussed above but fail to teach the individual interest information is converted by a signal conversion means into a signal which can be displayed on a monitor of the media program receiver.

The Examiner takes Official Notice that it is well known in the art to display the user's viewing characteristics to the viewer such that the viewer could view their viewing characteristics.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Matheny and Kamada's invention to include the above mentioned limitations for the advantage of such that the viewer could view their viewing characteristics.

13. Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai, Matheny, and Kamada.

As for claims 54 and 55, Arai, Matheny, and Kamada teach individual persons watch media programs by media program receivers as discussed above, but fail to teach the individual interest information is converted by a signal conversion means into a signal which can be displayed on a monitor of the media program receiver.

The Examiner takes Official Notice that it is well known in the art to display the user's viewing characteristics to the viewer such that the viewer could view their viewing characteristics.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Arai, Matheny, and Kamada's invention to include the above mentioned limitations for the advantage of such that the viewer could view their viewing characteristics.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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